

FILED

May 28 - 2021

AT 2 O'CLOCK 49 MINUTES

John M. Domurad, Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK*IN RE: BEECH-NUT NUTRITION
COMPANY BABY FOOD LITIGATION*

Case No. 1:21-cv-00133-TJM-CFH

This Document Relates To:

All Actions

**STIPULATION OF THE PARTIES TO
EXTEND THE TIME TO HOLD THE
INITIAL CASE MANAGEMENT
CONFERENCE AND
ORDER**

IT IS HEREBY STIPULATED and agreed by and between plaintiffs in this Consolidated Action (“Plaintiffs”) and Defendant Beech-Nut Nutrition Company (“Defendant”) as follows:

WHEREAS, Plaintiffs in *Thomas v. Beech-Nut Nutrition Co.*, Case No. 1:21-cv-00133-TJM-CFH, filed their consumer class action complaint on February 5, 2021, which was followed by filing of a number of related cases subsequently;

WHEREAS, this Court issued a Notice for a Rule 16 Conference, initially on February 5, 2021 (Dkt. 3) and then later on March 11, 2021 rescheduling the said conference on June 11, 2021 (Dkt. 53);

WHEREAS, Plaintiffs filed a Stipulation and Proposed Order to Consolidate Actions on March 16, 2021 (Docket No. 54), which the court adopted on March 19, 2021 (Dkt. 55), and which provides that Defendant shall have sixty (60) days following service of a Consolidated Complaint to answer or otherwise move with respect to the Consolidated Complaint (*id.*);

WHEREAS, a motion to transfer and consolidate all federal cases against one or more of no fewer than nine different baby-food manufacturers (or private-label retailers, as applicable),¹

¹ Beech-Nut Nutrition Company; Campbell Soup Company; Gerber Products Company; Hain Celestial Group, Inc.; North Castle Partners; Nurture, Inc.; Plum, PBC; Safeway, Inc., and Walmart, Inc.

including Defendant, was filed before the Judicial Panel on Multidistrict Litigation (“JPML”) on March 8, 2021 (“MDL Motion” Dkt. 1, MDL No. 2997);

WHEREAS, the hearing on the MDL Motion is scheduled for May 27, 2021, with a decision on transfer and consolidation to be rendered by the JPML sometime thereafter;

WHEREAS, Plaintiffs plan to file a Consolidated Complaint after the JPML issues a ruling, assuming these matters are still before this Court; and

WHEREAS, good cause exists to delay the Rule 26(f) conference and Rule 16(b) scheduling order until such time after the Consolidated Complaint is filed.

THEREFORE, the parties have agreed and have stipulated to ask the Court for an order ruling that the 26(f) conference currently set for June 11, 2021, be removed from the calendar and rescheduled to after the Consolidated Complaint is filed on such date the Court elects to set.

IT IS SO STIPULATED.

Dated: May 27, 2021

Respectfully submitted,

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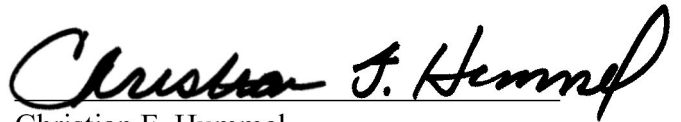
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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: May 28, 2021

A handwritten signature in black ink, reading "Christian F. Hummel". The signature is written in a cursive style with a large, stylized "C" and "H".

Christian F. Hummel

U.S. Magistrate Judge